IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3053 of 1985

For Approval and Signature:

Hon'ble MR.JUSTICE C.K.THAKKER

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1. Whether Reporters of Local Papers may be allowed to see the judgements?

2. To be referred to the Reporter or not?

3. Whether Their Lordships wish to see the fair copy of the judgement?

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge?

DWARKADAS PRABHASHANKER ADHVARYU

Versus

SECRETARY

Appearance:

MR AD OZA for Petitioner

M/S MG DOSHIT & CO for Respondent No. 1, 2, 3, 4

CORAM : MR.JUSTICE C.K.THAKKER

Date of decision: 25/11/96

ORAL JUDGEMENT

1. This petition is filed against the order passed by the Medical Officer, Class I, Referral Hospital, Rajula, District Amreli on 11th May 1984 by which the petitioner was sent on deputation on the ground that the Primary Health Centre, Rajula which was under the Government was, for administrative reasons shifted and kept under the control of the District Panchayat, Amreli

and the petitioner was sent at Dungar. It appears that the petitioner being aggrieved by the order of deputation filed a suit in the court of the Civil Judge (Senior Division) at Amreli in 1984. Along with the plaint he filed an application for interim relief and the learned Judge rejected the said application by an order below Exh.5 on 27th September 1984. The petitioner also preferred Appeal against the said order and that appeal was also dismissed by the Assistant Judge, Amreli on 15th April 1983. Against that order the petitioner has filed the above petition.

2. In my opinion, this petition is not maintainable and requires to be dismissed. Firstly, it is clear from the record that from the Health Centre, which was under Government was kept under District Panchayat and hence the petitioner could have been sent to the District Panchayat, but in any case, the petitioner has approached the civil court and the civil court did not think it fit to grant interim relief and the said decision was also confirmed by the lower appellate court. It cannot be said that the courts below have no jurisdiction to pass an order which is passed against the petitioner. There is no jurisdictional error which requires to be corrected. Again, in exercise of the discretionary powers under Art.227 of the Constitution of India, this is not a fit case which requires interference by this court. Hence, the petition requires to be dismissed and is accordingly dismissed. Rule discharged. Ad.interim relief vacated.
No costs.
